

May 9, 2001

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

RE: D.T.E. 01-41

Petition of Berkshire Gas Co. for approval of a Portfolio Agreement and Gas Sales Purchase Agreement entered into between Berkshire Gas Co. and BP Energy Company

Dear Secretary Cottrell:

Enclosed for filing please find an original and five copies of the Massachusetts Division of Energy Resources (DOER) Motion to Intervene in the above referenced proceeding.

Thank you for your attention in this matter. If you have any questions or need additional information please feel free to contact me at (617) 727-4732 x-132.

Sincerely,

Matthew T. Morais
DOER Legal Counsel

Enclosures

cc: service list

CERTIFICATE OF SERVICE

I, Matthew T. Morais, certify that I have served a copy of the DOER Motion to Intervene in D.T.E. 01-41, contained herein, on each individual on the service list in D.T.E. 01-41 on file with the Department of Telecommunications and Energy.

Dated at Boston, Massachusetts, this 9th day of May, 2001.

Matthew T. Morais
Legal Counsel
DOER
70 Franklin Street, 7th Floor
Boston, MA 02110-1313

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

<u>RE: PETITION OF BERKSHIRE GAS CO.</u>)	
<u>FOR APPROVAL OF A PORTFOLIO</u>)	
<u>AGREEMENT AND GAS SALES PURCHASE</u>)	DTE 01-41
<u>AGREEMENT ENTERED INTO BETWEEN</u>)	
<u>BERKSHIRE GAS CO. AND BP ENERGY COMPANY)</u>)	

**MOTION OF THE MASSACHUSETTS
DIVISION OF ENERGY RESOURCES
TO INTERVENE**

I.

The Massachusetts Division of Energy Resources (DOER) hereby moves to intervene and to be granted full party status in the above-captioned proceeding pursuant to 220 CMR § 1.03(1)(b).

II.

Berkshire Gas Company (Berkshire) filed a petition with the Department of Telecommunications and Energy (Department) on April 9, 2001 for approval of a Gas Portfolio Optimization Agreement and a Gas Sales Purchase Agreement between Berkshire and BP Energy Company. The Department issued a Notice of Publication (Notice) for the Berkshire petition

on April 25, 2001 which established a public hearing date of May 15, 2001 at 10:30 AM and an intervention deadline date of May 11, 2001.

III.

DOER is an agency of the Commonwealth of Massachusetts established by M.G.L. c. 25A. DOER is charged with the responsibility to develop and administer programs related to energy conservation, alternative energy development, and non-renewable energy supply and resource development. DOER is also charged with the responsibility for advising, assisting and cooperating with other state, regional and federal agencies in developing appropriate programs and policies relating to energy planning and regulation in the Commonwealth of Massachusetts.

One of DOER's main goals in executing the agency's responsibilities is to ensure a reliable and low cost energy supply for the citizens of the Commonwealth. The costs associated with the DTE 01-41 proceeding will impact the retail gas price charged to citizens of the Commonwealth. Therefore, DOER is substantially and specifically affected by the proceeding in that it directly impacts one of the agency's main goals. Therefore, DOER meets the standing requirements of M.G.L. c. 30A §10.

As stated, DOER seeks to intervene and be granted full party status to be able to fully participate in the proceeding and have access to all information developed in DTE 01-41. This will enable DOER to best represent the interests of the citizens of the Commonwealth. DOER's participation in the proceeding will help ensure that DTE's consideration of the Berkshire petition will result in a reliable and low cost natural gas supply for the Massachusetts consumer.

IV.

If the DOER motion for intervention is allowed, service of all documents filed in this proceeding should be addressed to the following person whose name and address should be placed on the official service list for this proceeding:

Matthew T. Morais
Legal Counsel
Division of Energy Resources
70 Franklin Street, 7th Floor
Boston, MA 02110-1313
(617) 727-4732 x132

Good cause exists for DOER to be granted leave to intervene and be granted full party status in DTE 01-41. No other party to this proceeding represents the same interests and policy goals as DOER.

Therefore, granting the motion is in the public interest.

WHEREFORE, DOER requests that the Department grant the Motion to Intervene in DTE 01-41.

Respectfully submitted,

MASSACHUSETTS DIVISION OF
ENERGY RESOURCES

By:

Matthew T. Morais
Legal Counsel
Division of EnergyResources
70 Franklin Street, 7th Floor
Boston, MA 02110-1313

Dated: May 9, 2001